

**MINUTES OF REGULAR MEETING
OF
GREENSBORO PLANNING BOARD
OCTOBER 19, 2005**

The Greensboro Planning Board met in regular session on Wednesday, October 19, 2005 at 2:00 p.m., in the City Council Chambers, 2nd floor, Melvin Municipal Office Building. Board members present were Vice Chair Dick Hall, Tim Bryson, Michael Fox, Julius Koonce and John Rhodes. Planning staff members present were Dick Hails, Planning Director, Alec MacIntosh, and Jon Barsanti. Sue Schwartz and Russ Clegg represented the Greensboro Department of Housing and Community Development (HCD). Vice Chair Hall called the Planning Board into session.

APPROVAL OF MINUTES OF THE SEPTEMBER 21, 2005 REGULAR MEETING AND JOINT MEETING.

Mr. Rhodes moved approval of the minutes of the September 21, 2005 regular meeting as written, seconded by Mr. Bryson. The Board voted 5-0 in favor of the motion. (Ayes: Hall, Bryson, Fox, Koonce, Rhodes. Nays: None.)

PUBLIC HEARINGS:

A. ORDINANCE CHANGING THE STREET NAME OF GIRBAUD COURT TO THE NEW NAME OF CARDINAL HEALTH COURT. (RECOMMENDED)

Mr. MacIntosh said this public cul-de-sac was dedicated in 1992 to provide access to the building at the eastern end occupied by the Girbaud Corporation. Carrying the company name out to Stanley Road via the street name sign made it easier to find this company. Cardinal Health Care now occupies this building, which is the only one addressed on this street, and it requested the name change. This building continues to generate the majority of the traffic on this street, although two other lots abut this street. The Technical Review Committee (TRC) recommends this street name change.

Tom Twitty of Cardinal Health Care was present to answer any questions.

Mr. Rhodes moved to recommend this street name change to City Council, seconded by Mr. Bryson. The Board voted 5-0 in favor of the motion. (Ayes: Hall, Bryson, Fox, Koonce, Rhodes. Nays: None.)

B. ORDINANCE CHANGING THE STREET NAMES OF MIRABEAU DRIVE AND MIRABEAU COURT TO THE NEW NAMES OF MIRABEAU WOODS DRIVE AND MIRABEAU WOODS COURT. (RECOMMENDED)

Mr. MacIntosh said when the preliminary plat of the Glen Hollow subdivision was under review last year, the staff person charged with checking street names to avoid duplication or phonetic similarity with other street names within Guilford County checked for a "Mirabeau" on the County's electronic file of existing and reserved street names and found none. This year it was discovered that there is a small Mirabeau Court in High Point. A Mirabeau Drive and a Mirabeau Court have now been final platted in Glen Hollow, creating a problem for the 911 emergency response system. City staff asked the developer to suggest new, nonduplicative street names, and the developer suggested Mirabeau Woods Drive and Mirabeau Woods Court. The TRC recommends those as new names.

There was no one present to speak in favor of or in opposition to this request.

Mr. Bryson moved to recommend these street name changes to City Council, seconded by Mr. Rhodes. The Board voted 5-0 in favor of the motion. (Ayes: Hall, Bryson, Fox, Koonce, Rhodes. Nays: None.)

C. RESOLUTION CLOSING OLD BATTLEGROUND ROAD FROM HORSE PEN CREEK ROAD NORTHWESTWARD TO BATTLEGROUND AVENUE, A DISTANCE OF APPROXIMATELY 500 FEET. (RECOMMENDED)

Mr. MacIntosh said this section of Old Battleground Road was once part of the main alignment out of town in this direction. The main traffic flow has been along the current Battleground Avenue (US 220-N) alignment for at least 50 years. The pavement in his section of Old Battleground Road is physically connected to Horse Pen Creek Road at its southern end, but the pavement ends at an embankment on the east side of Battleground Avenue. The street closing petition has been signed by the owners of 100% of the abutting property. The existing street pavement will be of no use to the mixed-use development planned here. The boundaries of the closing originally described in the closing petition do not leave room for Horse Pen Creek Road and Battleground Avenue widening. The TRC recommends that the closing start 40 feet north of the centerline of Horse Pen Creek Road and extend to 75 feet east of the centerline of Battleground Avenue. There are no public water and sewer lines running along this section of the street. There is a private sewer force main, now out of service, along it formerly operated by the Center for Creative Leadership. There is one existing retail building along this street section, with one business tenant remaining. An alternative avenue of access could be provided to this business by running a new driveway from its parking lot to a public street. TRC feels circumstances here will allow the City Council to be able to make the two required determinations for street closing: (1) that the closing is not contrary to the public interest and (2) that no property owner in the vicinity is deprived of reasonable means of ingress and egress. Therefore, the TRC recommends that closing, with the closing becoming effective when a replacement driveway of a design acceptable to GDOT has been constructed to access the remaining tenant.

At the public hearing, Jennifer Fountain, Esq., 101 West Friendly Avenue, said the landowner-developer was agreeable to the slightly shorter closing as recommended. They would honor all the obligations and meet the lease, under which the developer is required to give access to the property to the tenant. They believe the tenant does not have a say in the road closing as long as he is getting legal access, acceptable to GDOT. She did not know exactly how that access will be provided, but the tenant will be given access as long as in the building. They are in negotiations about how long they are going to remain there.

Mr. Fox moved to recommend closing with the starting and stopping points recommended by TRC, this closing be timed to be effective at the time the property owner has proposed and constructed an alternate access acceptable to GDOT. Mr. Koonce seconded the motion. The Board voted 5-0 in favor of the motion. (Ayes: Hall, Bryson, Fox, Koonce, Rhodes. Nays: None.)

ANNEXATION PETITIONS:

A. ORDINANCE ANNEXING PROPERTY OF ROBERTA'S REAL ESTATE HOLDING COMPANY, LLC NORTHEAST OF BRIGHTWOOD SCHOOL ROAD – 53.28-ACRE CONTIGUOUS ANNEXATION. (RECOMMENDED)

Mr. MacIntosh said the southernmost 150 feet of the petitioner's property is within the primary city limits. This annexation petition covers the rest of this vacant property, which is within the Tier 1 Growth Area in the Comprehensive Plan. It is intended to become the site of single family housing development both south and north of the future northern leg of the Urban Loop Thoroughfare. 30-inch and 24-inch water lines are present in Brightwood School Road. Also, there is a 36-inch line in Summit Avenue that can be

Avenue that can be extended along Hicone Road to the property. Pursuant to a 2004 city-initiated annexation, the City is installing an 8-inch sewer line to reach Summit Avenue about 2,000 feet northeast of this property. Extension of that sewer line up to this property would be the developer's responsibility. Fire service can be provided to this property with moderate difficulty by increasing our contract with a rural fire department. The Police Department estimates that, at full buildout, service can be provided with low difficulty, with 0.30 additional officers needed to serve this area. Other City services would be provided to the southern part this annexation in the same manner as already provided to properties along Brightwood School Road and to the northern part of this property a bit more easily than they are provided to previously-annexed properties farther to the northeast. The TRC recommends the annexation.

Mr. Fox moved to recommend this annexation to the City Council, seconded by Mr. Bryson. The Board voted 5-0 in favor of the motion. (Ayes: Hall, Bryson, Fox, Koonce, Rhodes. Nays: None.)

B. ORDINANCE ANNEXING PROPERTY OF HABITAT FOR HUMANITY OF GREATER GREENSBORO, INC. AND WALTER N. BIGELOW, ET AL NORTH OF ELSIELEE ROAD AND WEST OF FLEMINGFIELD ROAD – 31.815-ACRE CONTIGUOUS ANNEXATION. (NOT RECOMMENDED)

Mr. MacIntosh said this vacant property is bounded on its north side by the primary city limits and is within the Tier 1 Growth Area. It is intended for residential development, largely single family, perhaps with some townhouses, and with a maximum of 144 units. There is no City water line at the property currently, but the previously annexed property immediately to the north proposes to extend a line up Flemingfield Road as part of its development. There is a 10-inch City sewer line running eastward across the property, and an 8-inch line runs from Elsielee Road through part of this property down to that larger line. Fire service to this property would not meet the City's adopted standards of coverage. The Police Department estimates that, at full buildout, service can be provided with low difficulty, with 0.04 additional officers needed to serve this area. Other City services would be provided in a manner similar to that for the previously annexed property immediately to the north. The TRC recommends the annexation.

Vice Chair Hall had questions about the response time for emergency services, especially if there is to be multifamily construction on this site.

Mr. Hails said staff shares the same concerns the Board members have. Greensboro's Fire Department is one of the top ranked ones in the country and they pride themselves very much on maintaining standards. He went over the Community Facilities Map from the Comp Plan, pointing out existing fire stations and those projected to be built. Near this property a new fire station to be built in 2011. The biggest problem for fire coverage was at the southeast edge of the City. The City Council has committed to putting a bond referendum in front of the voters next year for some priority capital improvement projects and at least four of them are new fire stations in the south and east.

Near the next annexation on the agenda, down at East Lee Street, there is a planned station, although it is not scheduled.

The adopted CIP involves a commitment not only in capital facilities, to buy the land and build the structures, but also in added manpower needed for those stations. City Council is tuned in to the need for this, and he believed, unless the voters do not approve the bonds, that it is likely to happen on that approximate schedule.

Mr. Rhodes said he had a heightened concern because Habitat, once they have all the required approvals, will begin construction immediately, meaning that a large number of houses will be occupied

well before 2011. He hoped the bond referendum would pass and they could move the date up to 2007 or sooner, if possible.

Vice Chair Hall asked the representative from Habitat if they are under any time constraints, if a delay of a month for study would adversely impact their plans. The Board could then have a representative from the Fire Department come and speak on these specific matters. He said he saw a middle ground here. The Board could look at a motion that would send this on to Council with a reservation from the Board members that we think, before the City approves this, it needs to sort out this emergency response issue.

Gary Paul Kane, with the Center for Greater Housing Opportunities, the development consultant to Habitat, responded that they do have a bit of a time crunch. They are trying to have construction plans ready and approved so as to begin building roads in the spring. Their hope was that they might be ready with lots in October of next year so there might be a Habitat Building Blitz at that time. Habitat has been building approximately 35 detached single family houses per year. They hope to build some townhouses for sale, too. Their hope was to provide Habitat with land for their projects. It is difficult to build 35 houses a year on infill individual lots, so they try to locate a site for Habitat where they can develop lots. On the sketch plan, for information only, they show about 89 lots on this site. Another reason they like this property is that it is near the GTCC campus. Many families who move into Habitat houses are in need of GED degrees or are in need of fast-track education that permits them to get jobs right away. He noted that the property annexed just to the north is farther away from the fire station.

Mr. Fox said if he understood correctly the issue of fire service in these areas is something that the City Council controls. He recommended in this particular situation that the Board go ahead and act on these items because our recommendation (recommending it, not recommending it or recommending it with a reservation) is just advisory to City Council.

Mr. Koonce said the consideration should be, not so much what power this Board has to approve anything, but from a humanitarian standpoint would it be conducive at this time to build those homes knowing that there is not adequate protection?

Mr. Hails said, based upon the presentation from Assistant Fire Chief Brooks a while back, he did not think that there is inadequate protection. Upon being annexed into the city, the fire protection immediately becomes better than the current service at that location. It is more accurate to say that this does not meet all the standards of the Greensboro Fire Department on response time. Here the City could definitely offer a better response time to Habitat's site than to the satellite areas out on East Lee Street. As he understood the comment from Chief Brooks, Habitat's site was not in their preferred range, but it is not far from it.

Mr. Phil Barbee, Director of Operations of Habitat, said that over the last three years they had, with the assistance of a grant obtained by the Fire Department, been putting in sprinkler systems in all of their houses.

Mr. Rhodes said he knew what good work Habitat does, but he still had concerns about a safe environment.

Mr. Fox moved that the Board recommend approval of this annexation to the City Council with a comment that the Planning Board has expressed concerns about the fire protection available in this area, and request the City Council specifically look at this issue when they review this annexation. The motion died for lack of a second.

After Board discussion led by Mr. Bryson of the need for them to have more information, such as

measurement of response time, before them, Mr. Fox moved that the Board send this annexation to City Council with the recommendation that they deny the annexation. Mr. Rhodes seconded the motion. The Board voted 3-2 in favor of the motion. (Ayes: Hall, Koonce, Rhodes. Nays: Bryson, Fox.)

C. ORDINANCE ANNEXING PROPERTY OF STEPHEN F. AND SHARON S. EDMONDS, CHRISTINE L. YETKA, DANIEL B. AND CYNTHIA T. SHANER, AND W. GARY AND KAREN E. SMITH AT 5023-5029 EAST LEE STREET – 10.439-ACRE SATELLITE ANNEXATION. (RECOMMENDED)

Mr. MacIntosh said this proposed satellite annexation is located a little farther out East Lee Street than three previous satellite annexations. It is within the Tier 1 Growth Area and now contains 3 houses and some outbuildings. No original zoning request has yet been filed, but an application for commercial zoning is anticipated, which would require approval of a Comp. Plan amendment. A 12-inch City water line ends in Young's Mill Road just northeast of this property; extension would be the developer's responsibility. There is a 24-inch City sewer outfall across East Lee Street from this property.

As has been pointed out by the Fire Department concerning previous satellite annexations in this vicinity, fire response to this property would be difficult and fall short of the City's adopted standards of cover. That would remain the case until construction of a new fire station to serve this area, which could occur in 2-3 years. The Police Department estimates that, at full buildout, service can be provided with moderate to high difficulty, depending on the type of business establishments constructed. It is estimated that 0.05 additional officers will be needed to serve this area. Other City services would be provided to this annexation in a manner similar to that for the previously-satellite-annexed properties to the west. The TRC recommends the annexation.

Mr. Fox moved that the Board recommend this annexation to City Council, seconded by Mr. Bryson.

Mr. Rhodes said he had the same reservations on this annexation since it is in a problematic response area, as was discussed in the preceding request. He said he thought the Board should consider that a red light. We would be putting our citizens in jeopardy in terms of safety, and safety to him was more important than economics.

The Board voted 3-2 in favor of the motion. (Ayes: Hall, Bryson, Fox. Nays: Koonce, Rhodes.)

REPORT ON THE CEDAR STREET PLAN.

Sue Schwartz, Neighborhood Planning Division Manager for HCD, walked the Board through what staff had been doing on the Cedar Street Plan. This was just a briefing for the Board's information.

Russ Clegg of HCD said the Cedar Street Area is in the northwest quadrant of the Central Business District. They are working on a transition between Downtown and residences in this area. He gave the reasons City Council had asked them to look at this area, summarized the progress so far on this plan, and supplied Vice Chair Hall copies of his report for the Board.

OVERVIEW OF PROGRESS ON THE LAND DEVELOPMENT ORDINANCE REWRITE.

Mr. Hails said he would make a point of making sure that the Board gets a briefing on projects before they get to the Board for final action. They are working on a Summit Avenue Corridor Plan. As a general rule, staff will be trying to bring to the Board one or two mid-process presentations so that when the final plan reaches the Board, they will be in a position to recommend adoption of that plan.

He then talked about the Land Development Ordinance. Chair Downs represents the Planning Board as

as a member of the Advisory Team of about 15 members. He told the Board what things staff is doing to acquaint the public with such plans, about the project goals, and about this being the largest rewrite of the ordinance since the early 1990s. The consultant team is in place. The policy directions report goes to the Advisory Team first and then is presented to this Board.

Mr. Hails outlined some of the methods of accessing the ordinance by computer that would be user friendly. He listed some of the recommended improvements that might be seen in the document coming forward. He said the development community had a lot of interest in this rewrite. If you bump down the approval level, it is a shorter process and a process less risky, in terms of public hearings, so this gives staff a chance to see if they have the proper approval level for different types of decisions. As to the overall theme of the rewrite, a lot of it is going to be flexibility with predictability.

Picking up on that theme, Mr. Fox noted that often in conditional district zoning requests the reason for filing that way is so that later on you can work with the neighborhood to accommodate some of their concerns and requests. People in the development community do not want to start with a general district rezoning and then, when they get to the Zoning Commission or City Council, discover that addition of a zoning condition would make everybody happy. Then the only way to accommodate that is to start over again with a CD zoning. Perhaps could we allow someone to start out with a general district zoning request and then convert it to a conditional request in the process at some point, assuming that it is done in the public hearing, obviously. The conditional request is almost always going to be more restrictive than the general, so in that respect he could not see that the public as a whole would be harmed by allowing someone to add conditions.

Vice Chair Hall said Mr. Fox was right. When we delay people and push their timing back, time is money, so people go somewhere else. So it is really about the process, not the end result, because he did not see anything bad about the end result if a developer of a project is willing to add something that the neighborhood wants. He should be allowed to do that at any point in the process as long as it is out in the open and heard in the public hearings. Under the present system, you cannot do that if you come with a straight up rezoning request. If you do a conditional request, you can always do it and that is why you see so many.

Mr. MacIntosh said it used to be that a conditional district rezoning was a quasi-judicial process. Now the courts have held that it is legislative and the new N.C. planning legislation has echoed that. You no longer have two distinctly different processes, just one legislative process for general districts or conditional districts.

Resuming his presentation, Mr. Hails explained that they were going to try to have a theme in the new ordinance of trying to put more standards into the ordinance up front. Tables of uses permitted would be modernized to make them easier to use. There have been requests to reduce the number of zoning districts, particularly in residential.

Vice Chair Hall said he had to leave a few minutes early and had asked Mr. Fox to take over. Vice Chair Hall left at 3:47 p.m.

Mr. Hails said they were trying to find ways of accommodating "by right" development options. The challenge there is to make sure there are reasonable standards and safeguards for the public. He discussed the neighborhood conservation district approach. He mentioned some other ways that they were promoting diversity in future development. He spoke of the difference between urban and suburban areas. Activity centers are mentioned in the Comp Plan, but there are not a lot of details given. They are hoping to bring some materials to the City Council this fall in terms of mixed use guidelines to provide some more details on it. They are looking at ways to encourage more flexibility in the landscaping standards and parking. He discussed briefly connectivity problems and solutions. They are looking at

They are looking at making public and private street standards the same and he gave reasons for this.

ITEMS FROM THE DEPARTMENT:

Mr. MacIntosh said unfortunately Mr. Pike had moved outside the city limits, so he will be resigning from the Board. Council will appoint a replacement.

ITEMS FROM THE CHAIRMAN:

Mr. Fox said Vice Chair Hall asked him to mention one thing about which they had spoken before the meeting. That is the issue of our attendance here. Zoning Commission attendance has been eight or nine members often, while we struggle for five. If we were not able to meet one month and perform the public's business, he would think that would be a real tragedy.

Mr. Hails mentioned along those lines that City Council recently took action to appoint two alternate members to the Board of Adjustment. He thought in the LDO they were going to propose that all other Boards and Commissions have that option to add alternate members. We know we sometimes have controversial items and citizens are coming down and will be very upset if we are not able to conduct the public's business.

ITEMS FROM BOARD MEMBERS:

Mr. Rhodes commented that if some of the conditions that are made part of the TRC's recommendation were included in the petition earlier on, items could be approved more quickly at Board meetings.

Mr. Fox said he thought that when the Board is called upon to make a judgment call such as today's, it might be prudent to go ahead and see if someone from the Fire Department can attend so if we have questions, at least we will have the source. We might get a lot more comfort if they were to say, well, yes, this is our standard and that is the A+ standard because we are one of the best fire departments in the country, but we aren't meaning to imply that we couldn't get to these people in the event of a fire.

Mr. Koonce expressed the wish that the Board's recommendations would carry more weight with Council.

Mr. Bryson commented that he would like to commend Mr. Hails for being more vocal in conveying some of the Board's concerns and discussions.

APPROVAL OF ABSENCES:

Mr. Rhodes moved approval of all absences, seconded by Mr. Bryson. The motion passed unanimously.

The meeting was adjourned at 4:30 p.m.

Respectfully submitted,

Richard W. Hails, AICP
Planning Director

RWH/ts.ps.